

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JAMES MARTIN,

Plaintiff,

v.

**JENNIFER M. FAULKNER,
TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA,**

Defendants.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 6:18-CV-00332-JDK


**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On December 10, 2018, the Magistrate Judge issued his Report and Recommendation (Doc. No. 18), recommending that: (1) Plaintiff's Motion to Remand (Doc. No. 9) be denied; (2) Defendant Ms. Faulkner's Rule 12(b)(6) Motion to Dismiss (Doc. No. 11) be denied as moot; and (3) Plaintiff's Motion for Leave to Amend (Doc. No. 13) be denied. The Report further recommended that Defendant Jennifer Faulkner be dismissed without prejudice for lack of subject matter jurisdiction and that Plaintiff's First Amended Complaint (Doc. No. 14) be stricken. No objections to the Report and Recommendation have been presented for consideration within the prescribed time period for such objections. Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Doc. No. 18) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that: (1) Plaintiff's Motion to Remand (Doc. No. 9) be **DENIED**; (2) Defendant Ms. Faulkner's Rule 12(b)(6) Motion to Dismiss (Doc. No. 11) be **DENIED** as **MOOT**; and (3) Plaintiff's Motion for Leave to Amend (Doc. No. 13) be **DENIED**.

The Court **FURTHER ORDERS** that Defendant Jennifer Faulkner be **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. The Court **FURTHER ORDERS** that Plaintiff's First Amended Complaint (Doc. No. 14) be **STRICKEN**.

So **ORDERED** and **SIGNED** this **27th** day of **December, 2018**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE